

JOSEPH & KIRSCHENBAUM LLP
Attorneys at Law

Charles Joseph
D. Maimon Kirschenbaum
Matthew D. Kadushin
Michael D. Palmer
Denise A. Schulman

Of Counsel:
Diane Hester
Michael DiChiara*
*Also admitted in NJ & MA

MEMO ENDORSED

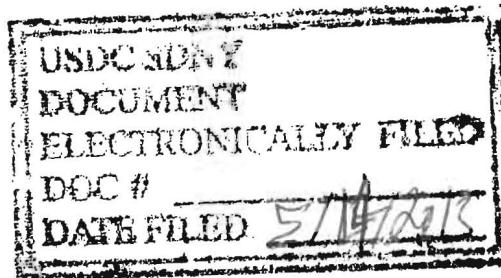
RECEIVED
MAY 10 2013
CHAMBERS OF
KEVIN NATHANIEL FOX
U.S. MAGISTRATE JUDGE

The Woolworth Building
233 Broadway, 5th Floor
New York, NY 10279
Phone (212) 688-5640
Fax (212) 688-2548
www.jhllp.com

May 9, 2013

VIA FACSIMILE (212) 805-6712

Honorable Kevin N. Fox U.S.M.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007



Re: *Altas et al v. Philippe North America Restaurants LLC, et al*
Case No. 12 Civ. 5032
Case No. 12 Civ. 6067

Dear Judge Fox,

We represent Plaintiffs in the above captioned matters.

The parties in this action are scheduled to appear before Your Honor for a settlement conference on May 13, 2013 at 2:30 p.m. Plaintiffs respectfully request an adjournment of the conference. One previous request to adjourn was sought and granted on April 8, 2013. Defendants consent to this request.

As Defendants notified the Court in their May 8, 2013 letter, one of the Defendants in this action, Philippe Hamptons Inc., declared bankruptcy. As such, for the past few weeks Defendants were under the impression that this entire case was temporarily stayed under 11 U.S.C. § 362. However, this morning Judge Sullivan issued an Order denying Defendants' request to stay the cases.

Given Defendants' mistaken impression that the cases were stayed, over the past few weeks, they cancelled the named defendants' depositions and they have not been engaged in any discovery. Now that the Judge Sullivan has made it clear that the cases are not stayed, Plaintiffs would like to re-engage in discovery and take the named defendants depositions prior to scheduling any settlement conferences. We anticipate that by doing so any future settlement conference will be a far better use of the Court's and the parties' time.

Accordingly, we respectfully request that the settlement conference be adjourned.

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

/S/ Josef Nussbaum

Josef Nussbaum

cc: Jamie Felsen, Esq. (via email)
Joe Labuda, Esq. (via email)
Richard Milman, Esq. (via email)

5/13/13

The settlement conference scheduled previously for May 13, 2013, is adjourned. The parties who are not bankrupt shall confer and, thereafter, on or before May 17, 2013, propose to the Court, in a joint writing, three dates on which they will be available to participate in a settlement conference.

SO ORDERED:

Kevin Mathaniel Fox
Hon. Kevin Mathaniel Fox
United States Magistrate Judge